

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****49 CFR Part 213**

[Docket No. RST-90-1, Notice No. 9]

RIN 2130-AA75

Technical Amendments to the Track Safety Standards

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule; corrections.

SUMMARY: The Federal Railroad Administration published in the **Federal Register** of June 22, 1998 (63 FR 33992), a final rule to revise the Track Safety Standards contained in 49 CFR part 213. The publication included several inadvertent errors which this notice corrects.

DATES: Effective on September 28, 1998.

FOR FURTHER INFORMATION CONTACT:

Allison H. MacDowell, Office of Safety Assurance and Compliance, Federal Railroad Administration, 400 Seventh Street, S.W., Mail Stop 25, Washington, D.C. 20590 (telephone: 202-493-6236), or Nancy Lummen Lewis, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, S.W., Mail Stop 10, Washington, D.C. 20590 (telephone: 202-493-6047).

SUPPLEMENTARY INFORMATION: FRA published a final rule in the **Federal Register** of June 22, 1998, (63 FR 33992), which, effective September 21, 1998, will replace the Track Safety Standards in 49 CFR part 213. The final rule, however, contained several inadvertent errors which are corrected in this notice.

In the final rule published June 22, 1998, (63 FR 33992), make the following corrections:

On page 34000, second column, fourth paragraph, remove “§ 213.1 (Penalties)” and replace with “§ 213.15 (Penalties)”.

On page 34002, first column, remove the last sentence of the third paragraph which states, “With the elimination of the current text of subsection (d), this subsection now designated as (e) would become subsection (d).”

On page 34033, remove the first sentence of § 213.53(g)(4), and replace with the following sentence: “The track owner or railroad operates an instrumented car having dynamic response characteristics that are representative of other equipment assigned to service or a portable device that monitors on-board instrumentation on trains over the curves in the identified track segment at the revenue

speed profile at a frequency of at least once every 90-day period with not less than 30 days interval between inspections.”

On page 34034, in footnote 1 for the track surface table, replace the parenthetical sentence with the following sentence: “(Footnote 1 is applicable September 21, 1999.)”

On page 34042, in § 213.305(b)(1)(ii), remove the final period and replace with a semi-colon followed by the word “or”.

On page 34049, remove the first sentence of § 213.343 and replace with the following sentence: “Each track owner with track constructed of CWR shall have in effect and comply with written procedures which address the installation, adjustment, maintenance and inspection of CWR, and a training program for the application of those procedures, which shall be submitted to the Federal Railroad Administration by March 21, 1999.”

On page 34053, in § 213.365(e), replace the word “crossover” with the words “track crossing.”

On page 34054, under “Appendix B to part 213—Schedule of Civil Penalties,” remove footnote 2 from 213.4(e)(1), 213.4(e)(2), 213.4(e)(3), and 213.4(e)(4).

Dated: August 21, 1998.

Edward R. English,

Director, Office of Safety Assurance and Compliance.

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DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration****49 CFR Parts 571 and 572**

[Docket No. NHTSA-98-4358]

RIN Nos. 2127-AG75, 2127-AG80, and 2127-AG94

Federal Motor Vehicle Safety Standards; Occupant Crash Protection; Anthropomorphic Test Dummy

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: This rule makes permanent three interim final rules related to the depowering of air bags. In March 1997, NHTSA amended the agency's occupant crash protection standard to ensure that vehicle manufacturers could quickly depower all air bags so that they inflate less aggressively. More specifically, the agency adopted an unbelted sled test

protocol as a temporary alternative to the standard's full scale unbelted barrier crash test. NHTSA took this action to provide an immediate, but interim, solution to the problem of the fatalities and injuries that air bags were causing in relatively low speed crashes to small, but growing numbers of children, and occasionally to adult occupants.

The agency subsequently issued three interim final rules related to depowering. Two of the interim final rules made further amendments to the occupant protection standard so that certain exclusions or special, less stringent test requirements in related standards that applied to vehicles certified to the unbelted barrier test would also apply to vehicles certified to the alternative sled test. The third interim final rule made modifications in the test dummy used in the occupant protection standard so that it would be consistent with respect to the instrumentation specified in the sled test protocol for measuring neck injury criteria.

DATES: Effective Date: The amendments made in this rule are effective September 1, 1998.

Petitions: Petitions for reconsideration must be received by October 13, 1998.

ADDRESSES: Petitions for reconsideration should refer to the docket and notice number of this notice and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: For information about air bags and related rulemakings: Visit the NHTSA web site at <http://www.nhtsa.dot.gov> and select “AIR BAGS: Information about air bags.”

For non-legal issues: Mr. John Lee, Light Duty Vehicle Division, NPS-11, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202) 366-2264. Fax: (202) 366-4329.

For legal issues: J. Edward Glancy, Office of Chief Counsel, NCC-20, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202) 366-2992. Fax: (202) 366-3820.

SUPPLEMENTARY INFORMATION:**I. Background**

On March 19, 1997, NHTSA published in the **Federal Register** (62 FR 12960) a final rule amending Standard No. 208, *Occupant Crash Protection*, to ensure that vehicle manufacturers could quickly depower all air bags so that they inflate less aggressively. More specifically, the